



PTO/SB/61 (10-00)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
TC 2002.00

First named inventor: Reynolds Paul Ross Group Art Unit: 1761
Application Number: 09/720,382 Examiner: Hendricks, Keith D.
Filed: 3/7/01

Title: Spray-Dried Bacteriocin Powder with Anti-Microbial Activity

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-11450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
(703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ small entity – fee \$640.00 (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.
☒ other than small entity – fee \$1,330.00 (37 CFR 1.17(l)).

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of A Petition Under 37 CFR 1.137(b) to Revive an Unintentionally Abandoned Application:

- ☐ has been filed previously on *.
☐ is enclosed herewith.

B. The issue fee of \$*

- ☐ has been paid previously on *
☒ is enclosed herewith.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
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Docket Number (Optional)
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$* for a small entity of \$* for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (111)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 19, 2004
Date

Antoinette Konski
Signature

Telephone
Number: (650) 849-4950

Antoinette Konski, Reg. No.: 34,202

Typed or printed name

Bingham McCutchen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111

- Enclosures: ☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Return Postcard

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited on March 19, 2004 with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 as Express Mail Label No. EV 313 811 337 US and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: *Lily So* Name: Lily So